not liable to guests injured as a result of negligent construction. *Curtin* v. *Somerset* (1891) 140 Pa. St. 70, 21 Atl. 244. The instant case bears a far closer analogy to these cases which follow the general rule of non-liability than to the recognized exceptions thereto. Moreover, in the absence of misrepresentations, policy does not require such an extension of liability for negligence because the burden imposed would be disproportionate to the culpability. Where negligent misrepresentations suffice for deceit, the plaintiff could recover. *Cabot* v. *Christie* (1869) 42 Vt. 121. But in many jurisdictions, as in New York, knowledge of the falsity of the representations is necessary. *Reno* v. *Bull* (1919) 226 N. Y. 546, 124 N. E. 144. The decision in the instant case completely side-steps *Reno* v. *Bull*. On appeal, the court should frankly overrule that case, rather than emasculate it by laying down a new doctrine of liability unsupported by authority and of questionable policy.

PROCESS—SERVICE ON NON-RESIDENT DEFENDANT CHARGED WITH CRIME.—The defendant, a resident of Virginia, was indicted in the District of Columbia for an extraditable offense. He appeared voluntarily, was tried, and while leaving the court house was served with civil process. He appeared specially to quash service. *Held,* service quashed. *Church* v. *Church* (D. C. Ct. of App. 1921) 49 Wash. Law Rep. 67.

There is absolute agreement among the authorities that a non-resident witness is immune from civil process while in the jurisdiction for the purpose of attending court, on the ground that otherwise the administration of justice would be hampered. *Person* v. *Grier* (1876) 66 N. Y. 124. By the weight of authority, and for the same reason applicable to witnesses, non-resident parties to civil actions are likewise immune. *Diamond* v. *Earle* (1914) 217 Mass. 499, 105 N. E. 363; *contra, Ellis* v. *Degarmo* (1892) 17 R. I. 715, 24 Atl. 579. However, failure to grant a similar immunity to non-resident defendants in criminal prosecutions will not prevent the administration of justice. A non-resident witness cannot be compelled to come into a jurisdiction to testify; and, while in the case of a non-resident party plaintiff the reason for allowing the immunity is not so plain, in the case of a party defendant it does not seem fair that he should be deterred from combating a spurious claim merely because he fears service on other claims. Since one under indictment can be extradicted, however, he is in no sense a voluntary attendant upon the court. While he may delay justice by refusing to come in voluntarily, he cannot defeat it. A failure to limit the rule to the reason therefor has resulted in the weight of authority being in accord with the instant case. *Martin* v. *Bacon* (1905) 76 Ark. 158, 88 S. W. 863; *Murray* v. *Wilcox* (1904) 122 Iowa 188, 97 N. W. 1087. The better rule, however, is contrary. *Netograph Mfg. Co.* v. *Scrugham* (1910) 197 N. Y. 377, 90 N. E. 962.

RESTRICTIVE COVENANTS—CONSTRUCTION—INDEMNITY.—The plaintiff held land under an indenture reciting certain restrictive covenants. Part of this he sold to the defendant, and it seems that subsequently, and prior to the commencement of this action, he conveyed the remaining portion to other persons. In a suit for a restraining and a mandatory injunction relating to buildings erected by the defendant in violation of the covenants, *held,* they were covenants of indemnity and nothing more. The injunction was denied. *Reckitt* v. *Cody* (Ch. D. 1920) 124 L. T. R. 141.

The decision in the principal case is probably the result of a desire to limit what the English courts conceive to be the rule relating to restrictive covenants on land, *i. e.,* that a covenantee is entitled to enforce such a covenant merely because the defendant has agreed not to do a certain thing. See *Collins* v. *Castle*